

1 **UNITED STATES DISTRICT COURT**
2 **FOR THE WESTERN DISTRICT OF TENNESSEE**

3) **Case No.:**
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 DEBORAH KING,

 Plaintiff,

 v.

 MIDLAND CREDIT
 MANAGEMENT, INC.,

 Defendant.

11 **COMPLAINT**

12 DEBORAH KING (“Plaintiff”), by and through her attorneys, KIMMEL &
13 SILVERMAN, P.C., alleges the following against MIDLAND CREDIT
14 MANAGEMENT, INC. (“DEFENDANT”):

16 **INTRODUCTION**

17 1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices
18 Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”).

20 **JURISDICTION AND VENUE**

21 2. This Court’s jurisdiction arises under 15 U.S.C. § 1692k(d), which states
22 that such actions may be brought and heard before “any appropriate United States
23 District Court without regard to the amount in controversy,” and 28 U.S.C. § 1331,

1 which grants this Court original jurisdiction of all civil actions arising under the
2 laws of the United States.

3 3. Defendant regularly conducts business in the State of Tennessee,
4 therefore personal jurisdiction is established.
5

6 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).
7

8 **PARTIES**

9 5. Plaintiff is a natural person residing in Memphis, TN 38118.

10 6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C.
11 §1692a(3).
12

13 7. Defendant is a corporation with its principal place of business located
14 at 2365 Northside Dr., Suite 300, San Diego, CA 92108.

15 8. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §
16 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.
17

18 9. The principal purpose of Defendant’s business is debt collection.

19 10. Defendant acted through its agents, employees, officers, members,
20 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
21 representatives, and insurers.
22

23 **FACTUAL ALLEGATIONS**

24 11. Plaintiff has a cellular telephone number.

25 12. Plaintiff has only used this number as a cellular telephone number.
26

1 21. A debt collector violates § 1692d(5) by causing a telephone to ring or
2 engaging any person in telephone conversation repeatedly or continuously with
3 intent to annoy, abuse, or harass any person at the called number.
4

5 22. Defendant violated §§ 1692d and 1692d(5) when it placed repeated
6 and continuous harassing telephone calls to Plaintiff between September 2016 and
7 June 2017 knowing its calls were unwanted.
8

9
10 **COUNT II**
11 **DEFENDANT VIOLATED § 1692c(a)(1) OF THE FDCPA**

12 23. A debt collector violates § 1692c(a)(1) if without the prior consent of
13 the consumer given directly to the debt collector or the express permission of a
14 court of competent jurisdiction, it contacts a consumer at an unusual time or place
15 or a time or place known or which should be known to be inconvenient to the
16 consumer.
17

18 24. Defendant violated § 1692c(a)(1) when it contacted before 8:00am
19 and after 9:00pm.
20

21 WHEREFORE, Plaintiff, DEBORAH KING, respectfully prays for a
22 judgment as follows:
23

24 a. All actual damages suffered pursuant to 15 U.S.C.
25 §1692k(a)(1);
26

- 1 b. Statutory damages of \$1,000.00 for the violation of the FDCPA
2 pursuant to 15 U.S.C. §1692k(a)(2)(A);
3
4 c. All reasonable attorneys' fees, witness fees, court costs and
5 other litigation costs incurred by Plaintiff pursuant to 15 U.S.C.
6 §1693k(a)(3); and
7 d. Any other relief deemed appropriate by this Honorable Court.
8
9

10 **DEMAND FOR JURY TRIAL**

11 PLEASE TAKE NOTICE that Plaintiff, DEBORAH KING, demands a jury
12 trial in this case.
13

14 Respectfully submitted,

15 Dated: September 1, 2017

16 By: /s/ Amy L. Bennecoff Ginsburg, Esq.
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